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WRITTEN TESTIMONY ON AN ACT CONCERNING MUNICIPAL  
AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AT  
CERTAIN INTERSECTIONS  
House Bill No. 5458

Good morning Senator Maynard, Representative Guerrero and distinguished members of the Transportation Committee. My name is Andrew Schneider, I'm Executive Director of the American Civil Liberties Union, and I am here to express our opposition to House Bill No. 5458 An Act Concerning Municipal Automated Traffic Enforcement Safety Devices at Certain Intersections.

This bill presents major threats to due process and privacy rights by allowing cameras, owned and maintained by private companies, to provide the basis for tickets and fines against the owners of vehicles, even though the owner might not have been driving when the alleged offense occurred. Even if the owner *was* driving, this bill undermines due process. It allows an interval of up to 60 days before the person is notified of the citation. How many of us can remember what happened at the intersections we drove through yesterday, let alone two months ago? If we were moving out of the way of an ambulance or fire truck, we'll have to remember that, prove it and take a day off from work to challenge the ticket. All this to try to prove what a police officer at the scene would clearly have seen and taken into account.

The 14th Amendment's due process requirements of reasonable notice and meaningful opportunity to be heard apply to these and to all civil cases. And there is the very basic issue of fairness and justice to consider. In Los Angeles, the courts declined to pursue ticketed vehicle owners because it could not be determined whether the owner was driving when the alleged violation occurred. More recently, an appellate court in Southern California ruled that a driver could not be fined after a red light camera violation because the police officer who signed the ticket couldn't testify about the operation and maintenance of the cameras.

The ACLU's privacy concern is simple. While the invasion of privacy occasioned by these systems may seem minor, any implementation of a system that leads to widespread installation of cameras throughout the state cannot be ignored or minimized. Also, camera systems are likely to be abused through mission creep – that the data collected by these cameras will be used for purposes other than tracking reckless drivers. Government

and private-industry surveillance techniques created for one purpose are rarely restricted to that purpose, and every expansion of a data bank and every new use for the data opens the door to more and more privacy abuses.

Also of great concern is the way that contracts for red light cameras allow the vendors to set public policy on traffic enforcement. Some contracts have forbidden municipalities to take measures, such as lengthening yellow lights, that would improve safety but cut into revenues by reducing the number of violations. If the aim of this legislation is to make intersections safer, why is there no requirement that traffic lights be properly timed and pavement markings be properly engineered? These measures would be cheaper, less intrusive and more effective than cameras. In Michigan, engineers from AAA worked with government officials to enlarge the lenses of traffic signals, restripe turning lanes, retime yellow lights and add an all-red clearance interval. Accidents and injuries were cut in half.

According to an extensive report by the U.S. Public Interest Research Group, many contracts also require cities to ticket for right turn violations, allow vendors to veto camera locations or impose large penalties for terminating the contracts. We do not find language in this bill to prevent those abuses. We do, however, find a disturbing clause in this bill that states: "Any challenge to the implementation of an automated traffic enforcement safety device or adoption of an ordinance under this section shall be brought within thirty days of passage of the ordinance." The people of Connecticut's towns and cities have established their own procedures for adopting, challenging and repealing local ordinances. Their right to do so should not be abridged. It's important to note that public outcry against red light cameras have caused them to be shut down in several municipalities across the nation. The city of Houston recently agreed to pay \$4.8 million to get out of its contract with American Traffic Solutions after voters there banned the cameras in a referendum.

Supporters of red light cameras cite a study by the insurance industry that claims the cameras save lives and reduce injuries. This would surprise the Kansas City (Missouri) Police Department, which recently concluded that accidents and injuries increased at intersections where red light cameras were deployed. Claims that the city of Los Angeles' now-defunct traffic-light program improved safety were unsupported, according to a 2010 audit of the program. A 2011 municipal audit in Denver concluded that no safety benefit had been demonstrated for red light cameras and recommended removing them if no safety improvements could be shown.

Ben Franklin once wrote that "Those who would give up Essential Liberty, to purchase a little Temporary Safety, deserve neither Liberty nor Safety." When you're not buying any safety at all, it's a particularly raw deal. I urge you to reject this legislation.